

REMARKS

Claims 1-21 are pending in the present application. Originally filed claims 20 and 21 were dependent from claim 1. Claims 20 and 21 are amended herein to include the language of claim 1. Support for this amendment can be found in claims 1, 20 and 21 as originally filed as well as throughout the specification. Claims 20 and 21 are also amended herein to indicate that steps b' and b'' (originally filed as steps c and d) are alternatives in the methods of claims 20 and 21. Support for this amendment can be found on pages 22 and 23 of the specification. Claims 22-31 are added herein for clarity and to more particularly define the invention. Support for these claims can be found in the claims as originally filed and elsewhere throughout the specification. No new matter is believed to be added by these amendments. In light of these amendments and the following remarks, applicants respectfully request entry of the new claims, reconsideration of this application and allowance of the pending claims to issue.

As required in response to this Action, applicants provisionally elect Group IV(b) drawn to a method of preparing (3Z, 6Z)-nonadienal, 2-(E)-nonenal, (2E, 6Z)-nonandienal or its corresponding alcohols.

Although applicants provisionally elect Group IV(b) with traverse, applicants request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden results if all the claims are examined together. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions and (2) the search and examination of the entire application cannot be made without serious burden. See M.P.E.P. § 803. The Examiner has not shown that the second requirement has been met. Specifically, the Examiner has failed to show that an examination of Groups IV(a)-(e) together would be a serious

burden. This is particularly true as the method of Group IV(a) must be performed in order to perform the method of preparing (3Z, 6Z)-nonadienal, 2-(E)-nonenal, (2E, 6Z)-nonandienal or its corresponding alcohols (GroupIV(b)). Therefore, it appears that the Examiner must search Group IV(a) as part of the search for Group IV(b). Because little or no additional burden would be required to search and examine these two groups together, applicants respectfully submit that the Office should search and examine the groups together. Furthermore, Groups IV(a)-(e) are all classified in the same class and subclass. Therefore, Groups IV(a)-(e) can be readily searched together.

Applicants would also like to point out that the United States Patent Office found nucleic acids encoding the hydroperoxide lyase utilized in the presently claimed methods to be novel and unobvious (See U.S. Patent No. 6,271,018 B1). Therefore, the methods employing this novel and unobvious hydroperoxide lyase (claims 20-21) should be novel and unobvious as well.

Thus, applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Therefore, applicants respectfully request that Groups IV (a)-(e) (claims 20 and 21) of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

Applicants also wish to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

The Commissioner is hereby authorized to charge \$176 (claims fees for two independent claims and ten (10) additional claims over twenty (20) claims) to Deposit Account No. 14-0629. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required,

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Respectfully submitted,

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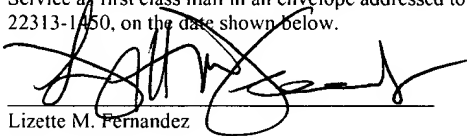
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Lizette M. Fernandez

Date

6/14/04